HIGH COURT UTARANCHAL AT NAINITAL

A.O No. 1552 of 2001
(Old No. 40 of 1987)

State of U.P. .....Appellant

Vs

Sri Surendra Mohan Suri,
S/o Sri Brij Lal Suri,
Resident of 24, Sant Vinoba Bhave
Marg, Dehradun. ...Respondents

Miss Mamta Bisht learned brief holder for the State.

Dated: - 9-5-2006

Hon'ble B.S. Verma, J.

Heard Miss Mamta Bisht learned brief holder for the State.

The appeal has been filed against the Judgment and decree dated 25-10-1986 passed by the District Judge, Tehri in Original Suit No. 29 of 1986 Surendra Mohan Suri Vs. State of U.P., Lucknow whereby the temporary injunction application under Order 39 Rule (1) (2) of C.P.C. has been allowed.

A perusal of record reveals that no interim order had been passed to stay the proceedings of the Original Suit by the High Court. Moreover, there was delay in filing the appeal. It reveals from the service report that respondent had died. No substitution application has been filed by the appellant.

By efflux of time the appeal has become rendered infructuous and is dismissed as abated.

(B.S. Verma,J)

Dated: -9-5-2006
M.K.